

§

VS.

§

CIVIL ACTION NO. 1:11cv559

RICHARD ALFORD, ET AL.

§

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Kenneth Wayne Thomas, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit.


The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the case be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections were filed to the Report and Recommendation.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

**SIGNED** this the **31** day of **January**, 2013.

  
Thad Heartfield  
United States District Judge